UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v. CASE NO. 6:17-cr-18-Orl-40KRS

NOOR ZAHI SALMAN

UNITED STATES' RESPONSE IN OPPOSITION TO THE DEFENDANT'S MOTION FOR A BILL OF PARTICULARS

The United States of America, by W. Stephen Muldrow, Acting United States Attorney for the Middle District of Florida, respectfully opposes the defendant's motion for a bill of particulars (Doc. 82) and asks this Court to deny the motion.

RELEVANT PROCEDURAL AND FACTUAL BACKGROUND

On January 12, 2017, a grand jury in the Middle District of Florida, Orlando Division, indicted the defendant for: (a) aiding and abetting the attempted provision and provision of material support to a foreign terrorist organization, that is, the Islamic State of Iraq and the Levant (ISIL), in violation of 18 U.S.C. §§ 2339B(a)(1) and 2; and (b) obstruction of justice, in violation of 18 U.S.C. § 1512(b)(3). Doc. 1.[1] The parties engaged in

[1] Docket entries in this case are referred to as "Doc." Docket entries in the proceedings in California, that is, case no. 4:17-mj-70058-MAG (N.D. Cal.), are referred to as "Cal. Doc." Docket entries in the interlocutory appeal to the Eleventh Circuit in this matter are referred to by the name of the pleading.

litigation regarding whether the defendant should be released or detained pending trial, during which litigation the government provided factual proffers regarding some of the acts the defendant engaged in that constituted aiding and abetting as charged in count one of the indictment, as well as some of the acts that constituted the defendant's misleading conduct as charged in count two. *See, e.g.*, Cal. Doc. 28 at 5-6 & 8-15 & 20-22; Doc. 15 at 11-16; Govt's Response In Opposition to Salman's Motion at 1-5, Dkt. No. 17-11289 (11th Cir.).

On April 20, 2017, the Court entered an Amended Scheduling Order that set forth deadlines for, among other things, the government to provide discovery to the defendant. Doc. 48 at 1. The government complied with the Amended Scheduling Order and has provided discovery to the defendant; further, the government will continue to provide any additional discovery that comes into the government's possession to the defendant. In summary and to date, the United States has disclosed to the defendant (1) tens of thousands of pages of documents consisting of law enforcement reports, grand jury records from over 300 grand jury subpoenas, search warrants and affidavits, telephone and computer records, cell site maps, photographs and other documents and records generated during the investigation of this case; (2) dozens of hours of video from numerous sources, including business-controlled surveillance

cameras and private citizens; and (3) electronic copies of hard drives and cell phones seized from the defendant and Omar Mateen. As part of discovery, statements of the defendant to law enforcement, as memorialized in a law enforcement report or notes or by way of a written statement, were particularly provided to the defendant on April 26, 2017, making those statements easy to identify.

In addition to providing discovery to the defendant, the government has also identified for the defendant a number of pieces of "key evidence," meaning "evidence that will likely be relied upon in the government's case-in-chief at trial." *See* Doc. 48 at 1. Identified key evidence to date includes phone and computer records, bank and business records, and a written statement of the defendant; the government will continue to supplement the key evidence list as its trial preparations continue.

The government agrees that the defendant's motion for a bill of particulars is timely filed under the Amended Scheduling Order. *See* Doc. 82 at 3.

MEMORANDUM OF LAW AND ARGUMENT

A. Relevant Law

The purpose of a bill of particulars is to "inform the defendant of the charge against him with sufficient precision to allow him to prepare his

defense, to minimize surprise at trial, and to enable him to plead double jeopardy in the event of a later prosecution for the same offense." *United States v. Warren*, 772 F.2d 827, 837 (11th Cir. 1985). The defendant must show that she would be "unable to prepare a defense without the requested information." *Id.*; *see also United States v. Anderson*, 799 F.2d 1438, 1441 (11th Cir. 1986) (A bill of particulars is proper only to "supplement[] an indictment by providing the defendant with information *necessary* for trial preparation.") (emphasis in original); *United States v. Shabazz*, 2012 WL 5334480, *2 (M.D. Pa. Oct. 26, 2012) ("The purpose of a bill of particulars is only to inform the defendant of the nature of charges brought against him and provide the minimum amount of information to enable him to conduct his own investigation.").

A bill of particulars is generally unnecessary where the indictment alleges the essential elements of the charged offense and provides sufficient notice of the charged conduct to enable a defendant to prepare his defense. *See United States v. Vaughn*, 722 F.3d 918, 927 (7th Cir. 2013), *cert. denied*, 134 S.Ct. 541 (2013). Moreover, in determining whether to grant the bill of particulars, the Court should consider all sources of information available to the defendant, including discovery and other representations by the government. *See, e.g., United States v. Rosenthal*, 793 F.2d 1214, 1227 (11th

Cir. 1986) ("[T]he defendant [is not] entitled to a bill of particulars with respect to information which is already available through other sources such as the indictment or discovery and inspection.") (*citing United States v. Colson*, 662 F.2d 1389, 1391 (11th Cir. 1981)); *United States v. Giese*, 597 F.2d 1170, 1180 (9th Cir. 1979) ("Full discovery . . . obviates the need for a bill of particulars."); *United States v. Sattar*, 314 F. Supp. 2d 279, 318-19 (S.D.N.Y. 2004) (holding that representations in the government's briefs, the indictment, and "voluminous" discovery made a bill of particulars unnecessary).

This Court has broad discretion to deny a motion for a bill of particulars. *See Colson*, 662 F.2d at 1391. To prove error on appeal in challenging the decision not to grant a motion for a bill of particulars, the defendant must demonstrate "actual surprise at trial and prejudice to the defendant's substantive rights by the denial." *Id*.

It is well established that a bill of particulars is not a discovery tool and cannot be used to get an advance view of the government's evidentiary or legal theories. *See United States v. Sherriff*, 546 F.2d 604, 606 (5th Cir. 1977) ("The purpose is not to provide detailed disclosure before trial of the Government's evidence."); *United States v. Kilrain*, 566 F.2d 979, 985 (5th Cir. 1978) ("A defendant should not use the Bill of Particulars to obtain a detailed disclosure of the government's evidence prior to trial.") (citation and internal quotation

marks omitted); *United States v. Burgin*, 621 F.2d 1352, 1359 (5th Cir. 1980) (A bill of particulars "is not designed to compel the government to detailed exposition of its evidence or to explain the legal theories upon which it intends to rely at trial."); *see also United States v. Cuong Gia Le*, 310 F. Supp. 2d 763, 781 (E.D. Va. 2004) (A court "must not direct the government to reveal the details of its evidence or the precise manner in which it will make its proof in a bill of particulars."); *United States v. Diaz*, 303 F. Supp. 2d 84, 89 (D. Conn. 2004) ("A bill of particulars may not be used as a tool to get an advance view of the government's evidentiary theory.").

In addition, a bill of particulars cannot be used to force the government to disclose details that would unduly restrict its presentation of proof at trial. *See, e.g., United States v. Sklaroff*, 323 F. Supp. 296, 316 (S.D. Fla. 1971) ("[A] bill of particulars should not be granted where the details sought would unduly restrict the Government."); *Diaz*, 303 F. Supp. 2d at 89 ("To require the government to provide further details would unfairly restrict the government's trial preparation.").

B. Argument

Here, the defendant is not entitled to the bill of particulars she seeks as to either count of the indictment because the indictment itself, discovery, and the government's representations in this litigation provide more than adequate

notice of the charges. Taking into account all the sources of information available, the defendant has at her disposal the tools necessary to "inform the defendant of the charge against [her] with sufficient precision to allow [her] to prepare [her] defense, to minimize surprise at trial, and to enable [her] to plead double jeopardy in the event of a later prosecution for the same offense." *Warren*, 772 F.2d at 837.

Instead, the bill of particulars sought by the defendant is a veiled attempt to preview the United States' legal and evidentiary theories on how it intends to prove the offenses charged in the indictment. She has not established that the bill of particulars she seeks would provide information that is *necessary* for trial prep, *see Anderson*, 799 F.2d at 1441, and requiring the government to provide such a bill of particulars would unfairly restrict the government in its presentation of this case, *see Sklaroff*, 323 F. Supp. at 316.

As to both counts of the indictment, the defendant has not claimed that the statement of the offense in the indictment is insufficient in anyway. The indictment sets forth "the nature of the charge, the defendant[] who [has] been charged, and the date(s) and location of the alleged offense." *Cuong Gia Le*, 310 F. Supp. 2d. at 781-82. Further, both voluminous discovery as well as tools designed to assist defense counsel in finding key evidence among the voluminous discovery have been provided and will continue to be provided as

the government's trial preparations proceed. Lastly, the United States has made specific factual representations throughout this litigation, which have sufficiently apprised the defendant of the charges alleged in the indictment. *See, e.g., United States v. Madison*, Case No. 6:17-cr-15-Orl-37KRS (M.D. Fla. Mar. 1, 2017), Doc. 43 at 7 (relying on the government's representations in briefings and at hearings in denying a motion for a bill of particulars) (attached hereto as Exhibit 1); *Diaz*, 303 F. Supp. 2d at 89 (holding that meetings in which the government outlines its evidence against the defendant can obviate any need for a bill of particulars).

Nor is the defendant subject to surprise regarding the charges against her. Instead, what the defendant seeks is to discover how the government intends to prove its charges and what evidence it intends to use. However,

> there is a difference between being surprised by the charge and being surprised by the evidence supporting a charge. The function of the bill of particulars is to reduce surprise at the *charge*, that is, to enable the defendant to identify what he is alleged to have done in violation of law. It is not to eliminate surprise with respect to evidence offered in support of a charge that is clearly understood by the defendant. Rule 7 does not give a defendant the right to insist that he be made aware of all of the evidence the Government may use against him so that he literally is not 'surprised' by anything at trial.

United States v. Scrushy, 2004 WL 483264, at *9 n. 5 (N.D. Ala. March 3, 2004) (emphasis in original).

The defendant points to *United States v. Smith*, 16 F.R.D. 372, 375 (W.D. Mo. 1954), as support for her position that a bill of particulars is necessary. Doc. 82 at 4. This case is distinguishable from *Smith*, however, because when *Smith* was decided in 1954, Fed. R. Crim. P. 16 did not require the production of discovery in criminal cases. *See Smith*, 16 F.R.D. at 375 ("This must necessarily be true when we realized there is no discovery means criminal cases . . . and that the only means open to a defendant, in a criminal case, for the securing of the details of the charge against him is that afforded by Rule 7(f) . . . ."); *see also* 1944 Advisory Committee Notes to Rule 16 (stating that, at that time, "the entire matter" of whether and what discovery would be allowed in a criminal matter was "left within the discretion of the court."). The provision of extensive discovery in this case renders *Smith* inapposite.

As to Count One, the defendant argues for a bill of particulars based on *United States v. Williams*, 2016 U.S. Dist. LEXIS 185118, *49 (N.D. Ga. Oct. 19, 2016), and *United States v. Menjivar*, 2011 U.S. Dist. LEXIS 157331, *3 (N.D. Ga. Nov. 29, 2011). Doc. 82 at 5-6. What both of these cases demonstrate, however, is that by providing discovery and taking the extra step of pointing the defendant to key discovery, the government has given the defendant more than sufficient notice of the charges against her. *Williams*,

2016 U.S. Dist. LEXIS 185118 at *49 (ordering the government to "direct [the defendant] to the places in the discovery where the essential facts surrounding the aiding and abetting allegations are disclosed"); *Menjivar*, 2011 U.S. Dist. LEXIS 157331 at *3 (same). Further, the government has already proffered extensively regarding some of the ways in which the defendant aided and abetted Mateen's material support, including, but not limited to, providing a cover story for him, casing potential locations for an attack, and engaging in spending in advance of the attack. *See supra* at 2.

As to Count Two, the defendant attempts to rely on *United States v. Haas*, 593 F.2d 216, 221 (5th Cir. 1978). Doc. 82 at 7. However, that case actually addressed the issue of whether the language in an indictment was sufficient and addressed the appropriateness of a bill of particulars only in dicta. *Id.*; *see also* Doc. 82 at 7, *citing United States v. Harris*, 821 F.3d 589 (5th Cir. 2016) (stating in the procedural history section of the opinion, with no discussion of any underlying legal theory, that the government filed a bill of particulars).

Instead, the case of *United States v. Holzendorf*, 576 F. App'x 932 (11th Cir. 2104), is much more instructive. Holzendorf "sought a bill of particulars detailing every single material misrepresentation the government intended to show at trial" and appealed the denial of the motion by the District Court.

576 F. App'x at 935. The Eleventh Circuit held that Holzendorf's motion "was nothing more than a thinly veiled attempt to have the government make a detailed disclosure of the evidence that it planned to present at trial." *Id.* at 935-36. The Court held that the trial court had correctly denied the motion for a bill of particulars on this basis alone. *Id.* Here, the defense has all of the government's reports regarding interviews of the defendant, as well as the written statement prepared based on a portion of an interview of her. These documents set forth the substantial basis for the government's contention that Salman engaged in obstruction by misleading conduct.

Nevertheless, in an attempt to be further transparent (but not to unduly restrict the government's presentation at trial), the government contends that Salman engaged misleading conduct by knowingly making the below false statements, among others:

- Stating to Officers of the Fort Pierce, Florida, Police Department that Mateen would not have engaged in violence unless he was protecting himself;
- Stating to Special Agents of the Federal Bureau of Investigation (FBI) that Mateen left their apartment on June 11, 2016, to have dinner with a friend;
- Stating to FBI Special Agents that Mateen had only one firearm;

- Stating to FBI Special Agents that Mateen was not radical or extreme in his beliefs;
- Stating to FBI Special Agents that she did not see Mateen with a gun when he left their residence;
- Stating to FBI Special Agents that Mateen did not access the internet at their residence and had deleted his Facebook account a long time ago; and
- Stating to FBI Special Agents that she was unaware that Mateen was planning to conduct a violent terrorist attack.

Additionally, the government intends to argue that Salman's obstructive conduct extended to deleting text messages on her phone on the night of Mateen's attack, including one informing him of the cover story she had devised.

Based on the indictment, the extensive discovery in this matter, and the United States' representations throughout this litigation, the defendant has been sufficiently apprised of the charges against her to enable her to prepare for trial and to plead double jeopardy if necessary. A bill of particulars in this case would serve only to provide the defendant with an unfair preview of the government's case and to unduly restrict the government's presentation at trial. The defendant's motion for a bill of particulars is due to be denied.

CONCLUSION

In light of the foregoing legal authority and arguments, the United States respectfully requests that this Court deny the defendant's motion for a bill of particulars.

Respectfully submitted,

W. STEPHEN MULDROW
Acting United States Attorney

By: *s/ Sara C. Sweeney*
Sara C. Sweeney
Assistant United States Attorney
USA No. 119
400 W. Washington Street, Suite 3100
Orlando, Florida 32801
Telephone: (407) 648-7500
Facsimile: (407) 648-7643
E-mail: Sara.Sweeney@usdoj.gov

By: *s/ James D. Mandolfo*
James D. Mandolfo
Assistant United States Attorney
Florida Bar No. 96044
400 W. Washington St., Suite 3100
Orlando, Florida 32801
Telephone: (407) 648-7500
Facsimile: (407) 648-7643
E-mail: James.Mandolfo@usdoj.gov

U.S. v. NOOR ZAHI SALMAN **Case No. 6:17-cr-18-Orl-40KRS**

CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2017, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to the following:

Charles D. Swift, Esquire (counsel for Defendant)
Fritz J. Scheller, Esquire (counsel for Defendant)
Linda G. Moreno, Esquire (counsel for Defendant)

s/ Sara C. Sweeney

Sara C. Sweeney
Assistant United States Attorney
USA No. 119
400 W. Washington Street, Suite 3100
Orlando, Florida 32801
Telephone: (407) 648-7500
Facsimile: (407) 648-7643
E-mail: Sara.Sweeney@usdoj.gov

Exhibit 1

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v. Case No. 6:17-cr-15-Orl-37KRS-1

JARVIS WAYNE MADISON.

ORDER

In the instant action, Defendant filed a Motion to Dismiss the Indictment (Doc. 24) and a Motion for a Bill of Particulars (Doc. 25). The United States filed an omnibus response on January 31, 2017. (Doc. 34.) Upon consideration of the parties' briefing and the arguments made in open court, the motions are due to be denied.

I. PROCEDURAL HISTORY

On January 12, 2017, the grand jury returned a one-count indictment charging Defendant Jarvis Wayne Madison ("**Madison**") with kidnapping in violation of 18 U.S.C. § 1201(a)(1). (Doc. 17 ("**Indictment**").) Specifically, the Indictment alleges that on or about November 15, 2016, and continuing through on or about December 2, 2016, Madison did:

> unlawfully, knowingly, and willfully seize, confine, inveigle, decoy, kidnap, abduct, and carry away the victim, [R.M.], and did hold R.M. for some benefit, to wit: to attempt to continue his relationship with R.M., and to frighten, physically abuse, mistreat, assault, and murder R.M.; and, in committing and in furtherance of the commission of the offense, did willfully transport R.M. in interstate commerce, did travel himself in interstate commerce, and did use a means, facility, and

> instrumentality of interstate commerce, that is cellular telephones and smartphones, and the commission of the offense resulted in R.M.'s death.

(*Id.*)

Subsequently, Madison moved to dismiss the Indictment on the ground that it fails to make a plain and concise statement of the essential elements of the charge against him in violation of Federal Rules of Criminal Procedure 7(c)(1) and 12(b)(3)(B). (Doc. 24 ("**MTD**").) In addition, Madison moved the Court for an Order requiring the Government to provide a bill of particulars specifically describing each of the ways Madison allegedly violated § 1201(a)(1). (Doc. 25 ("**Motion for Particulars**").) The Government filed an omnibus response (Doc. 34) and, on February 15, 2017, the Court heard oral argument on the motions ("**February 15 Hearing**"). (*See* Doc. 38.) At the conclusion of the February 15 Hearing, the Undersigned took Madison's motions under advisement.

II. LEGAL STANDARDS

A. Motion to Dismiss an Indictment

Under Federal Rule of Criminal Procedure 7(c)(1), an indictment must be a "plain, concise, and definite written statement of the essential facts constituting the offense charged." A count in an indictment may allege that a defendant committed the charged offense by one or more specified means. Fed. R. Crim. P. 7(c)(1). In addition, an indictment must "give the official or customary citation of the statute, rule, regulation, or other provision of law that the defendant is alleged to have violated." *Id.* Any defects in the indictment, including lack of specificity and failure to state an offense, must be

asserted in a pretrial motion. Fed. R. Crim. P. 12(b)(3)(B). "Practical, rather than technical, considerations govern the validity of an indictment." *United States v. Pena*, 684 F.3d 1137, 1147–48 (11th Cir. 2012).

B. Motion for Bill of Particulars

Under Federal Rule of Criminal Procedure 7(f) "a defendant may move for a bill of particulars before or within 14 days after arraignment." A bill of particulars is used to provide a defendant with sufficient details of the crime so as to: (1) allow for the preparation of an adequate defense; (2) minimize surprise at trial; and (3) enable him to plead double jeopardy in the event of a later prosecution for the same offense. *See United States v. Anderson*, 799 F.2d 1438, 1441 (11th Cir. 1986). District courts are afforded broad discretion in ruling on a request for a bill of particulars. *Will v. United States*, 389 U.S. 90, 98–99 (1967). A defendant is not "entitled to a bill of particulars with respect to information which is already available through other sources . . . ." *United States v. Rosenthal*, 793 F.2d 1214, 1227 (11th Cir. 1986); *see also United States v. Martell*, 906 F.2d 555, 558 (11th Cir. 1990).

III. ANALYSIS

A. Motion to Dismiss the Indictment

Distilling his MTD arguments at the February 15 Hearing, Madison contends that the Indictment is duplicitous—that is, it contains two separate charges in a single count. This alleged infirmity stems from the broad time period covered by the Indictment. According to Madison, this time period includes two wholly separate confinements—

(1) first, the confinement of R.M. in Indiana on November 15, 2016, from which R.M. allegedly escaped ("**Indiana Confinement**"); and (2) the kidnapping of R.M. in Florida, inclusive of Madison's movements from Indiana to Florida to effectuate the kidnapping and his subsequent interstate travel with R.M. ("**Federal Kidnapping**"). Thus, Madison contends that, because the Indictment potentially includes both offenses, it: (1) fails to sufficiently put him on notice of the specific charge against him; and (2) puts him at risk of double jeopardy due to his pending state prosecution in Indiana and a contemplated charge in Florida state court ("**Double Jeopardy Argument**"). The Court disagrees.

It is well-settled that the sufficiency of a criminal indictment is determined from its face. *United States v. Sharpe*, 438 F.3d 1257, 1263 (11th Cir. 2006). Thus, an indictment is legally sufficient if it: "(1) presents the essential elements of the charged offense, (2) notifies the accused of the charges to be defended against, and (3) enables the accused to rely upon a judgment under the indictment as a bar against double jeopardy for any subsequent prosecution for the same offense." *United States v. Schmitz*, 634 F.3d 1247, 1259 (11th Cir. 2011). To that end, an indictment may be dismissed only "where there is an infirmity of law in the prosecution," not where there are disputed issues of fact better suited for development at trial. *United States v. Torkington*, 812 F.2d 1347, 1354 (11th Cir. 1987).

Here, to ascertain whether the Indictment covers the Indiana Confinement necessarily requires examination beyond the face of the Indictment. Such a review is not permitted to determine whether the Indictment is subject to dismissal. *See Sharpe*,

438 F.3d at 1263. Rather, contrary to Madison's contention, the Indictment is legally sufficient, as it identifies and tracks the language of the kidnapping statute and, thus, adequately informs him of the Federal Kidnapping charge. *See United States v. Ndiaye*, 434 F.3d 1270, 1299 (11th Cir. 2006); *see also United States v. Breal*, 593 F. App'x 949, 952 (11th Cir. 2014).[1] In addition, the Indictment sets forth the alleged dates of the Federal Kidnapping charge. The use of "on or about" is not a ground for dismissal; rather, the Government may allege that an offense occurred "on or about," so long as the date proved at trial is reasonably near the date alleged in the Indictment. *See United States v. Reed*, 887 F.2d 1398, 1403 (11th Cir. 1989). More pointedly, the Government represented at the February 15 Hearing that its theory of the case is that the Federal Kidnapping began only *after* the Indiana Confinement, albeit on the same day—November 15, 2016.

As for Madison's Double Jeopardy Argument, the Court is unpersuaded that it warrants dismissal of the Indictment. Though state charges are pending against Madison in Indiana and are contemplated in Florida ("**State Court Proceedings**"), they do not implicate the Double Jeopardy Clause of the Fifth Amendment. Ordinarily, the Double Jeopardy Clause prohibits successive prosecutions for the same offense. *See Puerto Rico v. Sanchez Valle*, 136 S. Ct. 1863, 1867 (2016). The "same offense" analysis turns on whether each offense requires proof of an element that the other does not, if so the two offenses are not the same. *See Blockburger v. United States*, 284 U.S. 299, 304 (1932). The Federal

[1] While unpublished opinions are not binding precedent, they may be considered as persuasive authority. *See* 11th Cir. R. 36-2; *see also United States v. Almedina*, 686 F.3d 1312, 1316 n.1 (11th Cir. 2012).

Kidnapping charge would likely meet the *Blockberger* test as to any state offense due to, *inter alia*, the interstate travel element. But even so, under the dual-sovereignty doctrine, a defendant may face successive prosecutions for the "same offense," if such offense violates the laws of separate sovereigns. *Sanchez Valle*, 136 S. Ct. at 1867. The States are separate sovereigns from the Federal Government and from one another. *See Heath v. Alabama*, 474 U.S. 82, 88 (1985); *see also Abbate v. United States*, 359 U.S. 187, 195 (1959). Here, it is not apparent that Madison faces successive prosecutions for the "same offense" in the State Court Proceedings as that alleged in the Indictment. Even if he did, the dual-sovereignty doctrine permits successive prosecutions for the same offense without implicating the Double Jeopardy Clause.[2] Hence the MTD is due to be denied.

B. Motion for Bill of Particulars

Alternatively, Madison argued at the February 15 Hearing that the Court should grant his Motion for Particulars and require the Government to amend the time period of the alleged offense to exclude the Indiana Confinement. To this end, he again insists on his Double Jeopardy Argument—that is, the ambiguity in the Indictment does not permit him to rely on a judgment pertaining only to the Federal Kidnapping charge. Madison, thus, maintains that moving the start date in the Indictment to November 16, 2016, would cure any potential double jeopardy problem.

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[2] While the Court acknowledges the appeal pending before the U.S. Supreme Court concerning whether the Double Jeopardy Clause bars a state prosecution when a defendant has previously been convicted of the same offense in federal court, *see Walker v. Texas*, No. 16-636, it need not address these implications, as the current state of the law presently forecloses Madison's Double Jeopardy Argument.

In determining whether to grant a bill of particulars, a court may consider all sources of information available to a defendant, including discovery. *See Rosenthal*, 793 F.2d at 1227. For instance, courts have denied motions for a bill of particulars where the defendant has received information through the discovery process, which remained open at the time the motion was filed. *See United States v. Jones*, No. CR213 033, 2013 WL 5651925, at *3 (S.D. Ga. Oct. 15, 2013). Madison has received voluminous discovery informing him of the predicate facts underlying the Federal Kidnapping charge. (*See* Doc. 34, p. 2.) Further, the Government has consistently represented in its briefing (*see id.* at 4) and at the February 15 Hearing that the Federal Kidnapping excludes the Indiana Confinement. Such representations warrant the denial of Madison's Motion for Particulars. Madison is sufficiently advised of the facts, both temporal and otherwise, that the Government intends to rely upon in connection with its prosecution of the Federal Kidnapping charge. And, as stated above, the Double Jeopardy Clause is not implicated and does not provide a basis for granting the Motion for Particulars.

IV. CONCLUSION

Accordingly, it is hereby **ORDERED AND ADJUDGED**:

1. Defendant's Motion to Dismiss (Doc. 24) is **DENIED**.

2. Defendant's Motion for Bill of Particulars (Doc. 25) is **DENIED**.

DONE AND ORDERED in Chambers in Orlando, Florida, on March 1, 2017.

ROY B. DALTON JR.
United States District Judge

Copies:

Counsel of Record